



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

Monday, October 20, 2008

*Commissioner Deidre Malone, Chairman*  
*Commissioner Joyce Avery, Chairman Pro Tempore*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*  
*Commissioner George Flinn*

*Commissioner Joe Ford*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner David Lillard*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

10/17/2008 2:49 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend James B. Collins  
Progressive Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session  
August 4, 2008  
August 18, 2008

**CONSENT AGENDA**

**Resolutions of Memorial, Sympathy and  
Commendation**

**Ordinances**

**FORD**

Chairman, General  
Government  
Committee

1. [ORDINANCE - FIRST READING - An Ordinance to Adopt Supplement No. 35 to the Code of Shelby County, Tennessee. Sponsored by Commissioner Joe Ford.](#)

**Zoning and Subdivisions**

**Reports and/or Resolutions for Standing  
Committees**

**GIBSON**

Chairman, Budget and  
Finance Committee

2. [Resolution to amend the contract with the University of Memphis to retain the Technology Coordination Office \(TCO\) and to prepare an enterprise plan, increasing the amount by \\$75,000.00 for Fiscal 2009 and extending the contract to June 30,2010. This resolution is sponsored by Chairman Deidre Malone. \(AMENDED IN COMMITTEE 10/15/08\)](#)

**BUNKER**

Chairman, Public  
Works Committee

3. [A resolution approving an appropriation in the amount of \\$99,628.00 to the Shelby County Roads and Bridges Department for armoring the banks of the Wolf River against erosion at the Houston Levee Road Bridge and this item requires an expenditure of County CIP Funds in the amount of \\$24,907.00 and Federal Grant Funds in the amount of \\$74,721.00 for a total amount of \\$99,628.00. Sponsored by Commissioner Wyatt Bunker. \(WITHDRAWN IN COMMITTEE 10/15/08\)](#)

**BUNKER**

Chairman, Public  
Works Committee

4. [Resolution approving an amendment to the lease agreement with Wespac Pipelines – Memphis LLC, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 24, 2008. Sponsored by Commissioner Wyatt Bunker.](#)

**BUNKER**

Chairman, Public  
Works Committee

5. A resolution approving a contract in the amount of \$906,996.00 with Archimania for design and construction administration services for a mixed-use parking garage and underground utility infrastructure at the 157 Poplar Avenue site and this item requires an expenditure of county CIP funds in the amount of \$906,996.00. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 11/3/08)

**CHISM**

Chairman, Law  
Enforcement  
Committee

6. Resolution amending Contract #CA094594 with DWA, Inc. Security Services to add an additional security post to the Shelby County Health Department at a cost of \$29,056.00 thereby increasing the total contract to \$1,135,728.00 and this item requires the expenditure of General Funds in the amount of \$29,056.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

7. Resolution amending the FY2009 Operating Budget and amending the Position Control Budget authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation, Governor's Highway Safety Office for the Shelby County Sheriff's Office West Tennessee Child Passenger Safety Project in the amount of \$315,663.37 and this item requires the expenditure of Tennessee Department of Transportation Grant Funds for the purpose of reducing vehicle related injuries and fatalities among Children. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

8. Resolution amending the FY2009 Operating Budget authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation, Governor's Highway Safety Office, for the Shelby County Sheriff's Office Police Traffic Services – Network Coordinator Grant Program in the amount of \$19,970.00 and this item requires the expenditure of Tennessee Department of Transportation Grant funds for the purpose of facilitating a network to enhance traffic safety among citizens. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

9. Resolution amending the FY2009 Operating Budget authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation, Governor's Highway Safety Office, for the Shelby County Sheriff's Office Metro DUI Program in the amount of \$142,957.00 and this item requires the expenditure of Tennessee Department of Transportation Grant Funds for the purpose of increasing traffic enforcement and reducing injuries and fatalities related to driving under the influence. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

10. Resolution amending the FY2009 Operating Budget authorizing the Shelby County Mayor to execute a grant agreement with the State of Tennessee Department of Transportation, Governor's Highway Safety Office, for the Shelby County Sheriff's Office Police Traffic Services Program in the amount of \$152,073.00 and this item requires the expenditure of Tennessee Department of Transportation Grant Funds for the purpose of increasing traffic enforcement and enhancing traffic safety for citizens. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law  
Enforcement  
Committee

11. A resolution approving a contract renewal in the amount of \$173,340.00 with Printrak, a Motorola Company, for software maintenance of the Sheriff's Office Computer Aided Dispatch System and this item requires expenditure of funds in the amount of \$173,340.00. Sponsored by Commissioner Sidney Chism.

**RITZ**

Acting Chair,  
Economic  
Development  
Committee

12. A resolution approving an agreement in the amount of \$175,000 by and between Memphis and Shelby County Government and the Memphis Regional Chamber of Commerce for the purpose of facilitating economic development in Memphis and Shelby County. This item requires the expenditure of grant funds in the amount of \$175,000. Sponsored by Chairman Deidre Malone

**AVERY**

Vice-Chairman,  
Community Services  
Committee

13. Resolution amending the FY 2009 Operating Budget for a Tennessee Commission on Children and Youth Grant in the amount of \$182,558.00 for the Juvenile Accountability Block Grant for the term October 1, 2008 to September 30, 2009. This item requires the expenditure of grant funds in the amount of \$182,558.00 and matching funds from the County General Fund in the amount of \$14,735.00 and a sub-recipient match of 5,549.00. Sponsored by Commissioner David Lillard.

**CARPENTER**

Chairman,  
Conservation  
Committee

14. Resolution appropriating donation dollars obtained by the Chickasaw Basin Authority from the Town of Collierville in the amount of \$200,000.00 for acquisition and closing costs of land and right-of-way for the Wolf River Ecosystem Restoration Project from the FY 2008-09 CBA Budget for Project Number 101906, Chickasaw Basin Authority, and amending the FY 2008-09 CIP Budget. Sponsored by Commissioner Wyatt Bunker (AMENDED IN COMMITTEE 10/15/08)

**FORD**

Chairman, General  
Government  
Committee

15. Resolution to amend the FY 2009 operating budget to accept grant funds from the State of Tennessee in the amount of \$147,160.00 and approve the contract with Premier Election Solutions, Inc. for the expenditure of these state grant funds for the rental of additional voting machines for the November 4, 2008 General Election. Resolution sponsored by Commissioner Joe Ford.

**FLINN**

Chairman, Delinquent  
Tax Property  
Committee

16. A resolution approving the conveyance of an improved parcel of county owned Delinquent Tax Property, 29,696 square feet (0.69 acres), more or less, in size, located at 3221 Overton Crossing Street, to Rangeline Community Development Corporation, a Tennessee not-for-profit corporation, for nominal consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel to Rangeline Community Development Corporation, a Tennessee not-for-profit corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored by Commissioner George S. Flinn, Jr.

**FLINN**

Chairman, Delinquent  
Tax Property  
Committee

17. [Resolution approving the sale of seven Delinquent Tax Parcels totaling \\$49,300.00 from tax sale\(s\) 97.4, 0203, 0304, 0306 and 0402 pursuant to the provisions of TCA 67-5-2507. Sponsored By Commissioner George S. Flinn, Jr.](#)

**FLINN**

Chairman, Delinquent  
Tax Property  
Committee

18. [Resolution approving the sale of one Delinquent Tax Parcel totaling \\$20,000.00 from Tax Sale 0306, pursuant to the provisions of TCA 67-5-2507. Sponsored By Commissioner George S. Flinn, Jr.](#)

## ***REGULAR AGENDA***

### **Elections, Appointments, and Confirmations**

**FORD**

Chairman, General  
Government  
Committee

19. [Joint resolution of the Board of County Commissioners and Memphis City Council approving the appointment of Doug Edwards, Nathan Essex, Gerald Thornton, Deputy Chief Jim Tousant, J.D. Sewell, Chief Deputy Bill Oldham, and Dan Chapman to the Memphis and Shelby County Public Safety Commission. Sponsored by Commissioner Mike Carpenter.](#)

### **Ordinances**

### **Reports and/or Resolutions for Standing Committees**

**HARVEY**

Chairman, Economic  
Development  
Committee

20. [Resolution to receive and file a resolution dated October 2, 2008 from the Joint City/County Pyramid Committee and receiving the proposed development agreement between the City of Memphis, Shelby County, and Bass Pro Development Company, LLC. Sponsored by Chairman Deidre Malone. \(AMENDED IN COMMITTEE 10/13/08\)](#)

**HARVEY**

Chairman, Economic  
Development  
Committee

21. [Resolution authorizing the sale to the City of Memphis of the County's interest in the Pyramid, Mid-South Coliseum and land under the Liberty Bowl for \\$5,000,000 and authorizing the Mayor to enter into a contract for this purpose with the City of Memphis. Sponsored by Commissioner Sidney Chism.](#)

## Zoning and Subdivisions

### **RITZ**

Chairman, Land Use  
Committee

22. [CASE NO. P.D. 06-314 CC](#)  
APPLICANT: Wal-Mart Stores  
APPELLANT: Gray's Creek Association  
LOCATION: Northwest corner of Houston Levee  
Road and Macon Road  
REQUEST: Appeal to reverse Land Use Control  
Board approval of a site plan for a proposed Wal-  
Mart Supercenter consisting of 151,908 square feet  
of floor area.  
RECOMMENDATIONS:  
Memphis and Shelby County Office of Planning and  
Development:  
REJECTION  
Memphis and Shelby County Land Use Control  
Board:  
APPROVAL WITH CONDITIONS  
(SENT FROM COMMITTEE WITHOUT  
RECOMMENDATION)

## Reports and/or Resolutions for Standing Committees

### **GIBSON**

Chairman, Budget and  
Finance Committee

23. [Resolution amending the FY 2009 operating budget  
by transferring funds in the amount of \\$500,000.00  
from Commission Contingency Funds for  
appropriation by Shelby County Government to  
Lemoyne-Owen College and amending resolution  
no. 67 entitled "Resolution requiring that all  
appropriations to non profit 501 \(c\) 3 agencies  
cease with the adoption of the FY 2004 Budget  
"adopted on June 23, 2003 for this appropriation .  
This is a General Fund Expenditure. Sponsored by  
Commissioner James Harvey](#)

**GIBSON**

Chairman, Budget and  
Finance Committee

24. A resolution authorizing the issuance of not to exceed five hundred fifty million dollars (\$550,000,000) of refunding bonds, bond anticipation notes, tax anticipation notes or capital outlay notes, to be issued in one or more series, to refinance bonds issued for public works projects in Shelby County pursuant to Section 9-21-101, Et Seq., of the Tennessee Code Annotated and in the case of bonds issued for school purposes pursuant to Section 49-3-1001, Et. Seq. of the Tennessee Code Annotated; authorizing the issuance of bond anticipation notes in anticipation of the issuance of general obligation refunding bonds and general obligation refunding school bonds pursuant to the requirements of Part 5 of Chapter 21 of Title 9 of the Tennessee Code Annotated, tax anticipation notes pursuant to Part 8 of Chapter 21 of Title 9 of the Tennessee Code Annotated or capital outlay notes pursuant to Part 6 of Chapter 21 of Title 9 of Tennessee Code Annotated and to pay the costs of issuance and sale of such notes; authorizing the conversion to a short-term interest rate mode as permitted by the related authorizing resolutions of the County's General Obligation Variable Rate Demand Bonds; authorizing the creation of a Market Oversight Committee to address issues raised by the national credit crisis and the County's response; amending the FY 2009 Operating Budget; authorizing the proper officers to do all things necessary or advisable in connection with the implementation of this resolution and providing an effective date. Sponsored by Commissioner David Lillard.

**BUNKER**

Chairman, Public  
Works Committee

25. Resolution to Approve Amendment to a Long Term Land Lease, Development and Use Agreement between Shelby County and the Shelby County 911 Emergency Communications Board to reduce the amount of land leased from 15.00 acres to 5.00 acres. Sponsored by Commissioner Wyatt Bunker. (AMENDED IN COMMITTEE AND SENT WITHOUT RECOMMENDATION)



**CHISM**

Chairman, Law  
Enforcement  
Committee

26. [Resolution amending the FY 2008/2009 Operating Budget of the Juvenile Court of Memphis and Shelby County to fund \\$200,000.00 for Commitment Orders for assessment of juveniles. This item requires expenditures of County General Funds in the amount of \\$200,000.00. Sponsored by Commissioner Sidney Chism. \(AMENDED IN COMMITTEE 10/15/08\)](#)

**BROOKS**

Chairman, Legislative  
Committee

27. [Resolution urging Governor Phil Bredesen and the Tennessee General Assembly to improve the Basic Education Program Funding Formula \(BEP\) to address the inadequacies that exist and provide for sufficient and equitable funding for Memphis and Shelby County Schools. Sponsored by Commissioner Mike Carpenter.](#)

**Announcements/Statements****Adjournment**

28. Resolution of adjournment to Monday, November 3, 2008 at 1:30 p.m.